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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

12 pages +
52 references

Application Number 10/089,394

Filing Date March 29, 2002

First Named Inventor Halfeng CHEN

Group Art Unit To Be Assigned

Examiner Name To Be Assigned

Attorney Docket No. 226272007801

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declarations

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement - 3
pages

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify
below):

1. Form PTO-1449 + copy - 8 pages
2. Fifty-two (52) references
3. Return receipt postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm
or

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018

Individual Name

Debra J. Gleister (Registration No. 33,888)

Signature

Debra J. Gleister

Date

May 14, 2002

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on May 14, 2002.

Laura Shires
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PATENT
Docket No. 226272007801

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Assistant Commissioner for Patents, Washington, D.C. 20231, on May 14, 2002.

Laura Shree
Laura Shree

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Haifeng CHEN and Gary KURTZMAN

Serial No.: 10/089,394

Filing Date: March 29, 2002

For: PRODUCTION OF RECOMBINANT
AAV USING ADENOVIRUS
COMPRISING AAV REP/CAP GENES

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 AND § 1.98**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for

any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **226272007801**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 14, 2002

Respectfully submitted,

By: 

Debra J. Glaister
Registration No. 33,888

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Form PTO-144

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 226272007801

Application Number 10/089,394

Applicant

Haifeng CHEN and Gary KURTZMAN

Filing Date March 29, 2002

Group Art Unit To Be Assigned

Mailing Date May 14 2002

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	10/11/1994	5,354,678	Lebkowski et al.			
	2.	08/19/1997	5,658,776	Flotte et al.			
	3.	08/19/1997	5,658,785	Johnson			
	4.	05/19/1998	5,753,500	Shenk et al.			
	5.	07/14/1998	5,780,280	Lebkowski et al.			
	6.	11/17/1998	5,837,484	Trempe et al.			
	7.	01/05/1999	5,856,152	Wilson et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	8.	03/09/1995	WO 95/06743 A2, A3	WIPO			
	9.	05/09/1996	WO 96/13598 A2, A3	WIPO			
	10.	01/03/1997	WO 97/00326 A1	WIPO			
	11.	02/20/1997	WO 97/06272 A2, A3	WIPO			
	12.	02/27/1997	WO 97/06826 A1	WIPO			
	13.	12/31/1997	WO 97/49824 A1	WIPO			
	14.	02/19/1998	WO 98/06864 A2, A3	WIPO			
	15.	06/25/1998	WO 98/27204 A2, A3	WIPO			
	16.	10/22/1998	WO 98/46728 A1	WIPO			
	17.	04/01/1999	WO 99/15685 A1	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 226272007801

Application Number 10/089,394

Applicant

Haifeng CHEN and Gary KURTZMAN

Filing Date March 29, 2002

Group Art Unit To Be Assigned

Mailing Date May 4, 2002

Examiner Initials	Ref. No.	Title
	18.	Anderson, J. K. et al. "Herpesvirus-Mediated Gene Delivery into the Rat Brain: Specificity and Efficiency of the Neuron-Specific Enolase Promoter," <i>Cell. and Mol. Neurobiol.</i> 13(5):503-515.
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	21.	Boshart, M. et al. (June 1985). "A Very Strong Enhancer is Located Upstream of an Immediate Early Gene of Human Cytomegalovirus," <i>Cell</i> 41:521-530.
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	23.	Chen, J. et al. (1996). "Expression of Rat Bone Sialoprotein Promoter in Transgenic Mice," <i>J. of Bone and Mineral Research</i> , 11(5):654-664.
	24.	Fisher, K. J. et al. (January 1996). "Transduction with Recombinant Adeno-Associated Virus for Gene Therapy is Limited by Leading-Strand Synthesis," <i>J. Virol.</i> 70(1):520-532.
	25.	Fisher, K. J. (November 1996). "A Novel Adenovirus-Adeno-Associated Virus Hybrid Vector that Displays Efficient Rescue and Delivery of the AAV Genome," <i>Hum. Gene Ther.</i> 7(17):2079-2087.
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	33.	Hirt, B. (1967). "Selective Extraction of Polyoma DNA from Infected Mouse Cell Cultures," <i>J. Mol. Biol.</i> 26(2):365-369.

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MAY 17 2002

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Applicant

Haifeng CHEN and Gary KURTZMAN

Filing Date March 29, 2002

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| 51. | Weitzman, M. D. et al. (March 1996). "Recruitment of Wild-Type and Recombinant Adeno-Associated Virus into Adenovirus Replication Centers," <i>J. of Virol.</i> 70(3):1845-1854. |
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